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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

2:11-CR-391 JCM (GWF)

UNITED STATES OF AMERICA,

        Plaintiff(s),

v.

ROBERT KENNARD,

        Defendant(s).

ORDER

      Presently before the court is the United States' motion to amend/correct judgment. (Doc. # 21).

      This court entered judgment against defendant Kennard for money laundering and aiding and abetting. (*See* doc. # 20). Among other things, this court ordered defendant to pay restitution in the amount of $647,500 to Bank of America.

      The government's motion states that "Bank of America had been made whole by Ally Bank during the course of the criminal proceedings, and therefore the recipient of the restitution order should be amended to change the payee owed the restitution to Ally Bank." (Doc. # 21). The government has further represented that counsel for the defendant has no objection to the government's motion. Defendant has filed no response.

      Federal Rule of Criminal Procedure 36 provides in its entirety:

James C. Mahan
U.S. District Judge

1   "After giving any notice it considers appropriate, the court may at any time correct a clerical

2 error in a judgment, order, or other part of the record, or correct an error in the record arising from

3 oversight or omission."

4   The court finds that the government has given the defendant sufficient notice. The court

5 further finds that Fed. R. Crim. P. 36 provides the authorization to correct the clerical error by

6 amending the judgment order to name Ally Bank as the payee of the restitution amount.

7   Accordingly,

8   IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the government's motion

9 to amend/correct the judgment (doc. # 21) be, and the same hereby, is GRANTED.

10   DATED November 19, 2012.

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13   UNITED STATES DISTRICT JUDGE

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James C. Mahan
U.S. District Judge   - 2 -